

AGENDA
LAWTON CITY COUNCIL REGULAR MEETING
JUNE 28, 2005 - 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

MEETING CALLED TO ORDER WITH INVOCATION AND PLEDGE OF ALLEGIANCE

ROLL CALL

CHAMBER OF COMMERCE ANNUAL UPDATE ON HOTEL/MOTEL TAX FOR FISCAL YEAR 2005

AUDIENCE PARTICIPATION: Anyone having an item of business to present to the City Council that does not appear on the agenda, please come forward at this time.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL MEETING OF MAY 10, 2005.

CONSENT AGENDA : The following items are considered to be routine by the City Council and will be enacted with one motion. Should discussion be desired on an item, that item will be removed from the Consent Agenda prior to action and considered separately.

1. Consider the following damage claims recommended for approval and consider passage of any resolutions authorizing the City Attorney to file a friendly suit for the claims which are over \$400.00: Charlene Sebo in the amount of \$10,980.10. Exhibits: Legal Opinion/Recommendation; Resolution No. 05-____. Page 1
2. Consider the following damage claims recommended for denial: Kayla Dawn Darnell (by and through her Mother, Luana Rivera) c/o G. Scott Ray in the amount of \$5,320.75, Daniel and Jana Allen in the amount of \$200.00, Roy and Pat Howell in the amount of \$79.00, and Southwestern Bell Telephone L.P. in the amount of \$697.44. Exhibits: Legal Opinions/Recommendations. Page 6
3. Consider ratifying the action of the City Attorney and City Manager in not making an appeal in the Workers' Compensation case of Avery Scott in the Workers' Compensation Court, Case No. 2004-10541-L. Exhibits: None Page 15
4. Consider renewing the professional services agreement with Robert M. Jernigan as a representative on telecommunication; James C. Ferguson of Walker, Ferguson and Ferguson for the defense of Workers' Compensation claims; Tony G. Pucket of McAfee & Taft on labor-related issues; Gary M. Bush of Fagin, Brown, Bush, Tinney & Kiser for financial related representative services; and authorize the Mayor and City Clerk to execute the Agreements. Exhibits: Retainer Agreements for Professional & Legal Services on file in the City Clerks Office. Page 16
5. Consider amending the Consultant Agreement with Capitol Decisions, Inc. to provide consultation and lobbying services to the City of Lawton before the Congress of the United States and its various agencies and authorize the Mayor and the City Clerk to execute the Agreement. Exhibits: Current Consultant Agreement with attached Statement of Work to be performed, Email dated 3/14/05 to Rex Givens, Letter dated 6/16/05 from J. R. Reskovac, President, Capitol Decisions. Page 18

6. Consider accepting an engagement letter for technical accounting and consulting services with the firm of Crawford & Associates, P.C., and provide guidance to staff as appropriate. Exhibits: Engagement Letter with Crawford & Associates, P.C. Page 25
7. Consider setting the minimum bid price for One (1) agriculture lease tract at Lake Ellsworth, Tract E-27, which will be sent to public auction on July 13, 2005. Exhibits: Location map. Page 27
8. Consider a resolution amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 1995, as recommended by the Lawton Water Authority. Exhibits: Resolution No. 05-____. Page 29
9. Consider ratifying the actions of the Lawton Water Authority approving six (6) agriculture leases to the winning bidders listed below and authorize the Mayor and City Clerk to execute the leases. Exhibits: The notice of public auction and the lease agreements between the Lawton Water Authority and six (6) winning bidders are on file in the City Clerks office. Page 44
10. Consider ratifying the action of the Lawton Water Authority to approve Amendment No. 4 to the Raw Water Purchase Agreement with Charley E. Snyder and Doris Berry-Snyder, and authorize the Mayor and City Clerk to execute the Amendment. Exhibits: Amendment No. 4 is on file in the City Clerk's Office. Page 45
11. Consider approving the annual Cooperative Agreement and an Agreement for Limited Funding between the City and Transit Trust to provide funds for the operation of a public transit system and authorize the Mayor and City Clerk to execute the same. Exhibits: Cooperative Agreement and Limited Funding Agreement. Page 46
12. Consider awarding a construction contract to T&G Construction, Inc. for the Highland Cemetery Road Overlay Phase III Project #2005-11. Exhibits: None Page 53
13. Consider accepting the Lawton Police Department Re-roofing Project #2004-16 as constructed by Metal Roof Contractors, Inc. and placing the Maintenance Bond into effect. Exhibits: None Page 54
14. Consider approving the Oklahoma Department of Transportation (ODOT) Change Order No. 3 for the NW 38th Street (Cache Road to Rogers Lane) Project #2006-16 and authorize funding from the NW 38th Street 2005 CIP Project. Exhibits: None. Page 55
15. Consider approving Change Order No. 1 for the NE Flower Mound Road (Gore Blvd to Rogers Lane) Water & Sewer Lines Relocation Project #2004-9 with Davenport Construction. Exhibits: A copy of the change order is on file in the Engineering Office. Page 56
16. Consider approving the record plat for Brentwood Addition, Part 3A, and accepting the improvements, maintenance bonds, warranty deed for park land, and easements outside the platted area. Exhibits: Plat Map. The Maintenance Bonds, Deed and Easements on file in City Clerk's Office. Page 57
17. Consider approving the construction plat for Blys' Pointe Addition, Part 3, subject to conditions. Exhibits: Plat Map. Page 59

18. Consider approving the First Amendment to Employment Agreement of Traci L. Hushbeck as City Clerk, and authorize the Mayor and Deputy City Clerk to execute the document. Exhibits: First Amendment to Employment Agreement on file in the City Clerk's office. Page 61
19. Consider approving the sub-recipient agreement and grant continuation for a period of one year between The City of Lawton and The Emergency Medical Services Authority for administration of the \$50,000 Medical Reserve Corps Grant. Exhibits: Proposed EMSA Contract and grant continuation is on file in City Clerk's office. Page 62
20. Consider approving a renewal Agreement effective July 1, 2005 through June 30, 2006 between the State of Oklahoma Office of Juvenile Affairs and the City of Lawton for the continued operation and management of a Community Intervention Center in Lawton, and authorize execution of the renewal Agreement and an Affidavit of Assignment authorizing payment directly from the State to Marie Detty as the CIC subcontractor. Exhibits: Renewal Agreement and Affidavit of Assignment on file in City Clerk's Office. Page 63
21. Consider accepting a grant from the Oklahoma Department of Human Services for the Retired and Senior Volunteer Program (RSVP) for Fiscal Year 2005-2006 funding. Exhibits: Contract on file in City Clerk's Office. Page 64
22. Consider approving and authorizing execution of a contract with BCV Holdings, L.P., dba ACE Cash Express for collection of City Utility Bills. Exhibits: Proposal from BCV Holdings, L.P., Contract for Remote Utility Collection Services. Page 65
23. Consider authorizing the Fire Chief to submit a SAFER grant (Staffing for Adequate Fire and Emergency Response) application to the U.S. Department of Homeland Security, to assist with adding up to 8 additional firefighter positions to the Lawton Fire Department. Exhibits: Grant Overview. Page 71
24. Consider awarding contract for Truck Mounted Aerial Hoist (CL05-052). Exhibits: Department recommendation and Abstract of Bids. Page 82
25. Consider awarding contract for Scraper Tires and Service (CL05-050). Exhibits: Department recommendation and Abstract of Bids. Page 86
26. Consider awarding contract for Walk Behind Concrete Saw (CL05-057). Exhibits: Department recommendation and Abstract of Bids. Page 89
27. Consider awarding contract for Distributor Truck Body (CL05-054). Exhibits: Department recommendation and Abstract of Bids. Page 93
28. Consider awarding contract for Compactor Wheels and Blade (CL05-051). Exhibits: Department recommendation and Abstract of Bids. Page 97
29. Consider awarding contract for Rock Hauling (CL05-055). Exhibits: Department recommendation and Abstract of Bids. Page 100

30. Consider approving the following contract extension: A) Liquid Oxygen (CL03-072) with Airgas Mid South – Water Treatment Plant, B) E-911 Equipment and Support Services (CL94-025) with SBC – Emergency Communications. Exhibits: None (Contracts, information from previous bid award, and letters of staff recommendations on file in Financial Service’s Office). Page 103
31. Consider approving appointments to boards and commissions. Exhibits: Recommended list of appointees. Page 104
32. Consider approval of payroll for the periods of June 6 to 19, 2005. Exhibits: None.

BUSINESS ITEMS:

33. Hold public hearings and adopt resolutions declaring the structures at: 808 SW 5th Street, 1303 SW E Avenue, 302 SW Washington Avenue, 1212 SW 24th Place, 608 NW 14th Street, 1510 NW Dearborn Avenue to be dilapidated public nuisances, thus causing a blighting influence on the community and detrimental to the public’s health and safety. Authorize the City Attorney to commence legal action in district court to abate each nuisance. Further authorize Neighborhood Services to solicit bids to raze and remove each dilapidated structure, if necessary. Exhibits: Six Resolutions. Summary documents with supporting photos, reports from the Fire Marshal, Housing Inspectors, and case history are available from Neighborhood Services. Page 107
34. Consider approving Agreement for Limited Services with the Museum of the Great Plains. Exhibits: Agreement for Limited Services. Page 126
35. Hold a Public Hearing and Consider Authorizing application and acceptance of the 2005 Department of Justice Edward Byrne Memorial Grant. Exhibits: Memorandum of Understanding is on file in the City Clerk’s Office. Page 131
36. Consider approving an ordinance amending Section 17-1-4-141, Division 17-1-4, Article 17-1, Chapter 17, Lawton City Code, 1995, relating to longevity pay for regular full time employees of the City while on active duty with the Armed Forces of the United States, providing for severability and declaring an emergency. Exhibits: Ordinance No. 05-____. Page 132
37. Consider approving an ordinance repealing Sections 2-3-7-336 through 2-3-7-339, Division 2-3-7, Article 2-3, Chapter 2, Lawton City Code, 1995, to allow for the deactivation of the Environmental Concerns Committee, providing for repealer and declaring an emergency. Exhibits: Ordinance No. 05-____. Page 137
38. Consider adopting a resolution designating places and times within municipal jurisdiction to discharge fireworks on July 4, 2005. Exhibits: Resolution No. 05-____. Page 142
39. Consider repealing Council Policy 8-2, approving an ordinance creating Section 20-3-303, Article 20-3, Chapter 20, Lawton City Code, 1995, by setting design standards for median openings and turn bays, providing for severability, codification and declaring an effective date, and approving a resolution setting a review fee. Exhibits: Ordinance No. 05-____ and Resolution No. 05-____. Page 144

40. Consider approving an ordinance pertaining to buildings, construction and housing, amending Sections 6-1-1-109 through 6-1-1-118, Division 6-1-1, Article 6-1, Chapter 6, Lawton City Code, 1995; providing for codification, severability, and declaring an emergency. Exhibits: Ordinance No. 05-____. Page 149
41. Receive a report from the Neighborhood Services Division of the Community Services Department on the processing and handling of complaints of violations submitted to the division for action and provide direction as necessary. Exhibits: None Page 154
42. Consider waiving Council Policy 1-6 and if waived, reconsider the tabling of the consideration of whether or not 915 SW C Avenue is dilapidated as defined and take appropriate action. Exhibits: Proposed Resolution No. 05-____. Page 155

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

43. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending applications of Meers – Saddle Mountain Ranch before the Oklahoma Water Resources Board, Stream Water No. 2003-41 and Ground Water Nos. 2003-598, 2003-599 and 2004-572, and if necessary, take appropriate action in open session. Exhibits: None Page 159
44. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a pending claim by Jessie T. Robinson. Exhibits: None Page 160

ADJOURNMENT

"The City of Lawton encourages participation from all of its citizens. If participation at any public meeting is not possible due to a disability, notification to the City Clerk at (580) 581-3305 at least 48 hours prior to the scheduled meeting is encouraged to make the necessary accommodations. The City may waive the 48 hour rule if interpreters for the deaf (signing) is not the necessary accommodation."